

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH LEE TAYLOR,

Plaintiff,

v.

MARSHA INGRAM, et al.,

Defendants.

No. 2:21-cv-01042 TLN DB P

ORDER

Plaintiff Kenneth Lee Taylor is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims that defendant retaliated against him in violation of his First Amendment Rights. Presently before the court is plaintiff's request for extension of time (ECF No. 37) and defendant's motion to modify the discovery and scheduling order ("DSO") (ECF No. 39).

Defendant filed a motion for summary judgment alleging plaintiff failed to exhaust administrative remedies as to some of his cognizable claims. (ECF No. 26.) Plaintiff requested and was granted a forty-five-day extension of time to file an opposition to the summary judgment motion. (ECF Nos. 27, 29.) Thereafter, defendant filed a motion to compel alleging plaintiff has failed to respond to any of defendant's discovery requests. (ECF No. 30.) By order dated May 8, 2023, the undersigned directed plaintiff to respond to defendant's motion to compel within thirty days and motion for summary judgment within sixty days. (ECF No. 36.)

1 Plaintiff has now filed a motion seeking a ninety-day extension of time to stop all court  
2 proceedings. (ECF No. 37.) In plaintiff's motion, dated May 5, 2023, he states that he has tested  
3 positive for COVID-19 and was quarantined. Plaintiff's motion did not provide any additional  
4 information to support a ninety-day extension of time.

5 Defendant opposes plaintiff's motion arguing that this is his second COVID-19 based  
6 motion, he is likely testing negative and no longer quarantined, and he recently received  
7 additional time to respond to the motions to compel. (ECF No. 38.)

8 The court will grant plaintiff a short extension of time to respond to the motions to compel  
9 and for summary judgment. However, plaintiff is advised that absent extraordinary  
10 circumstances no further extensions of time will be granted for the purpose of allowing him  
11 additional time to respond to the pending motions.

12 Defendant requests that the June 26, 2023, dispositive motion deadline set forth in the  
13 DSO be vacated. (ECF No. 39.) In support of the motion, defendant argues that good cause  
14 exists to modify the DSO because plaintiff has not yet responded to the pending motion to compel  
15 and the pending motion for summary judgment. Defendant states that without plaintiff's  
16 responses to discovery requests at issue in the motion to compel, defendant will not have  
17 discovery necessary to file a dispositive motion by the current deadline. (Id. at 9.) Defendant  
18 also states that modification will allow the court to rule on the pending exhaustion based motion  
19 for summary judgment will prevent her from filing a merits-based motion on a claim that may not  
20 be exhausted. Good cause appearing, the court will grant defendant's motion.

21 Accordingly, IT IS HEREBY ORDERED that:

22 1. Plaintiff's motion for an extension of time (ECF No. 37) is granted in part. Plaintiff  
23 shall file and serve his opposition or statement of no opposition to the motion to compel on or  
24 before June 30, 2023. Plaintiff shall file and serve his opposition or statement of no opposition to  
25 the motion for summary judgment on or before July 31, 2023.

26 2. Defendant's motion to modify the DSO (ECF No. 39) is granted. The June 26, 2023  
27 pretrial motion deadline in the DSO is vacated. Pretrial motions shall be filed no later than 60

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1 days after the final ruling on the pending exhaustion-based motion for summary judgment. The  
2 DSO remains unchanged in all other aspects.

3 Dated: May 26, 2023

4 /s/DEBORAH BARNES  
5 UNITED STATES MAGISTRATE JUDGE  
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